

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

SHARRON HIGGS, )  
                      )  
Plaintiff,        )  
                      )  
vs.                )       Case No. 4:04CV1479 RWS  
                      )  
                      )  
EMC MORTGAGE CORP. et al., )  
                      )  
Defendants.        )

**MEMORANDUM AND ORDER**

This matter is before me on defendant's motion requesting the Court to designate a neutral to conduct the mediation of this case because the parties cannot agree on a neutral. My review of the motion convinces me that referring this case to alternative dispute resolution at this time would be fruitless. Accordingly, I will vacate the Order referring this case to alternative dispute resolution and deny defendant's motion as moot.

Accordingly,

**IT IS HEREBY ORDERED that Order dated August 9, 2005 referring this case to alternative dispute resolution [#38] is vacated, and the referral of this matter to alternative dispute resolution is vacated.**

**IT IS FURTHER ORDERED** that defendant's motion requesting the Court to designate a neutral [#41] is denied as moot.



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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 31st day of August, 2005.